

REMARKS

By this Amendment, applicants have amended claim 1 (relating to cleaning step using non-aqueous composition) to incorporate claim 4 (relating to cleaning step using low aqueous compositions). Claim 5 has been amended to correct a claim dependency and to delete additional "preferably" language. Claims 6 and 7 have been amended to correct dependencies since claim 4 is now cancelled, and claim 6 also deletes "preferably" language. Accordingly, claims now pending are claims 1-3 and 5-10, as amended.

As discussed below, the amendments are believed to overcome any objections over the only reference which applicants believe may be applied.

Specifically, at page 2, the Examiner has rejected claims 1-2, and 4-10 under 35 USC §102(e) over U.S. Patent No. 6,846,790 to Evers et al.; and at page 3, the Examiner rejects claim 3 under 35 USC §103(a) over the same reference.

In this regard, applicants note that the subject matter of the Evers et al. reference, as well as the subject matter of the presently claimed invention were, at the time the inventions were made, either owned by the same person or subject to an obligation of assignment to the same person. In this case, the "person" is:

Unilever Home & Personal Care, USA, division of Conopco, Inc., having a place of business at 33 Benedict Place, Greenwich, Connecticut 06830

In this regard, applicants submit with this amendment a "Statement Relating to Obligation of Assignment"

Applicants additionally note that the Evers patent first appears to have been published on May 29, 2003 while the priority data of the subject application is December

19, 2002. Thus, it is believed that Evers et al. cannot be cited against the subject application under 35 USC §102(a). Since the Evers application cannot be cited under 35 USC §102(a), it is believed it would only be citable against the subject application under 35 USC §102(e).

Accordingly, any rejection under 35 USC §103(a) would appear to be based on subject matter which qualifies under prior art under subsection (e) of 35 USC §102. According to 35 USC §103(c)(1), subject matter which qualifies under prior art only under 35 USC §102(e), (f) or (g) shall not preclude patentability where the subject matter of the reference and of the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to obligation of assignment to the same person.

Referring again therefore to the “Statement Relating to Objection of Assignment”, applicants respectfully submit that the rejection under 35 USC §103(a) of claim 3 (which could only have been made base on 35 USC §102(e)) should be withdrawn since the reference is no longer citable.

With regard to the 35 USC §102(e) rejection over claims 1-2, 4-10, applicants note that the claims of the subject application do not read exactly on the claims of the Evers et al. reference (i.e., there is novelty) and, at most, the claims of the subject invention would be obvious under 35 USC §103(a). Again, however, since the §103(a) rejection could be brought under and available only under 35 USC §102(e) and since applicants have submitted a “Statement Relating to Obligation of Assignment”, applicants respectfully submit that this rejection should be withdrawn.

In view of the arguments above, it is respectfully requested that the rejections under 35 USC §102 and 35 USC §103 over Evers be withdrawn.

With regard to the rejections of claims 1, 4 and 8 under the doctrine of obviousness-type double patenting over claims 1 and 7 of the Evers patent, applicants also submit a Terminal Disclaimer which terminally disclaims that portion of any patent granted on claims of the subject invention which might run beyond the term of the claims granted in U.S. Patent No. 6,846,790 to Evers et al.

At page 4 of the Office Action, the Examiner has rejected claims 1-3 and 8-10 under 35 USC §103(a) as allegedly unpatentable over U.S. Publication 2002/0115582 to Perry et al. in view of U.S. Publication 2002/0142932 to Goedhart et al. This rejection is respectfully traversed for reasons set forth below.

As the Examiner concedes at page 6, lines 3-4, Perry and Goedhart et al. do not disclose a secondary low aqueous step. For this reason alone, it is respectfully submitted that claim 1, as amended to incorporate claim 4, cannot be rejected over Perry in combination with Goedhart under 35 USC §103(a).

At page 6 of the Office Action, the Examiner rejects claims 4-7 under 35 USC §103(a) over Perry et al. in view of Goedhart et al. and further in view of U.S. patent No. 3,689,211 to Giampalmi Jr., et al.

There are so many features which must be combined to obtain the claims of the subject invention, as amended, that the claims could only have been obtained by piecing together the pieces from various places and, with the benefit of hindsight, putting these pieces together.

Thus, for example, as noted by the Examiner, Perry does not teach a liquid to cloth ratio of at most 20 or 10, but the Examiner says that Goedhart disclose ratio of 13. Even if they were combined, however, neither reference discloses, as noted above, a second low aqueous step. The Examiner seeks to remedy this additional deficiency by citing Giampalmi, Jr.

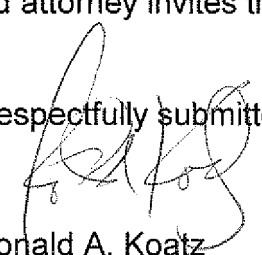
Giampalmi does not, however, contrary to what the Examiner states, definitely disclose a non-aqueous step followed by a low aqueous step, as specifically defined by claims of the subject invention. Even if column 1, lines 67-70 is considered a non-aqueous step (step (B)), the next step is said to "optionally" utilize water. This may mean that no water is used or it may mean that large amounts of water are used. Indeed as noted at column 2, lines 62-65, up to 25% water (well above the 10% upper limit of claims of the invention) may be used. Further, there is no criticality as to what the solvent may be in either step and, indeed, at column 4, lines 9-14, almost every solvent noted is a chlorine-containing solvent (as are Examples 1 and 2).

In short, there is no reason whatsoever to combine the first two references with the Giampalmi reference and, if one did, one would obtain compositions which fall outside of the compositions used in the claims of the subject invention.

It is believed that the amended claims, together with the discussion above, further with a Terminal Disclaimer and Statement of Obligation of Assignment, clearly place the claims outside the cited references and it is respectfully requested, in this regard, that the Examiner withdraw all rejections of the claims and allow the claims, as amended.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,


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